THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 21st day of August,2007

W.P.No.19286 of 1998

Between:-

The National Seeds Corporation
Ltd., Nayeem Nagar, Hanumakonda,
Warangal District, rep. by its
Regional Manager Sri D.G.Arya … Petitioner

and

The Hon'ble Industrial Tribunal-cum-
Labour Court, Hanumakonda,
Dist. Warangal, rep. by its
Chairman/Presiding Officer
and others … Respondents

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ORAL ORDER:

This Writ Petition is filed challenging the Award dated 26-2-1998 made in I.D.No.125 of 1994 on the file of Industrial Tribunal-cum-Labour Court, Warangal, whereunder the issue referred to it under Section 10(1) of the Industrial Disputes Act,1947 (for short 'the Act') was answered in favour of the respondent-union holding that the Union is justified in demanding the Management to continue the weightage wages payable to all the daily wage workers engaged after 1-11-1986 and the management shall not recover the arrears of weightage wages paid to the workers; so also, the Circular of the Head Office dated 3-7-1991 was held to be illegal.

Petitioner is the Management of National Seeds Corporation Limited, Hanumakonda, Warangal District, represented by its Regional Manager. Respondent No.2 is the Union, which raised the dispute and ultimately, the same was referred to the Industrial Tribunal-cum-Labour Court, Warangal vide G.O.Rt.No.2363, Women Development, Child Welfare and Labour (Lab.I) Department, dated 8-9-1994 for adjudication of the following issue:

> "Whether the National Seeds Corporation, Madikonda Workers Union, is justified in demanding the management of M/s.National Seeds Corporation Ltd., Warangal to continue the weightage wages payable to all the daily wage workers engaged after 1-11-1986 and also not to recover the arrears of weightage wages in terms of Head Office Circular dt.5-7-1991?"

Before the Labour Court, on behalf of the workman, W.W.1 was examined and Exs.W1 to W5 were marked. On behalf of the Management, M.W.1 was examined and Exs.M1 and M2 were marked. Ex.W1 is the Xerox copy of the representation of the National Seeds Corporation, Madikonda Workers Union submitted to the Assistant Commissioner of Labour, Warangal. Ex.W2 is the reminder sent by the Union. Ex.W3 is the office copy of the strike notice. Ex.W4 is the copy of Memo issued by the Assistant Commissioner of Labour, Warangal. Ex.W5 is the copy of the agreement between the Management and the Union. After a detailed consideration of both oral and documentary evidence, the Labour Court came to the conclusion that the daily wage workers, who have completed 5 years of service, are entitled for weightage wages. The Labour Court further noticed that the Management and the workers entered into a settlement under Ex.W5 for weightage wages to be given to the employees, who have completed 5 years of service. In fact, M.W.1 admitted that in pursuance of Ex.M1, the weightage was given to all the workers and after receipt of Ex.M2-Circular, the Management stopped payment of wages to the workers, who were not employed prior to 1-11-1986.

It appears that the workers were not all employed prior to 1-11-1986 itself and the procedure contemplated under Section 9-A of the Act was not followed while changing the service conditions of the employees, including stoppage of weightage wage payment, in view of the Circular issued by the Head Office. It appears, in the teeth of the settlement entered into between the parties, the weightage wage payment was extended to the daily wage employees also. That was sought to be withdrawn, in view of a clarification issued by the Head Office in the Circular, which is *ex facie* illegal. In the teeth of the

settlement, the Circular issued by the Management explaining or clarifying the same to hold that the same is not applicable to the daily wage workers cannot be countenanced. Therefore, I am of the opinion that the Labour Court has not committed any error calling for interference of this Court in passing the impugned award. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

21-8-2007

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